



adopting respondent's Proffer was issued, and Judgment entered on April 29, 2015.

Petitioner filed a motion for attorneys' fees and costs on September 18, 2015. On October 5, 2015, respondent filed a response to petitioner's motion for attorneys' fees and costs, stating that "while [she] disagrees with the analysis and findings in [*McCulloch*], respondent has determined that her resources are not wisely used by continuing to litigate the issues addressed in that decision." Response to Motion at 1-2. Accordingly, respondent indicated that she "defers to the special master's statutory discretion in determining a reasonable fee award for this case." *Id.* at 2.

Petitioner here requests a total award of fees and costs in the amount of \$32,199.56. Motion for Attorney Fees & Costs at ¶ A. This amount includes attorneys' fees in the amount of \$26,386.20, and attorneys' costs in the amount of \$5,788.36. *Id.* Additionally, in accordance with General Order #9, petitioner represents that he incurred reimbursable costs in pursuit of this claim in the amount of \$25.00. *Id.*; Petitioner and Counsel Statement at 1.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner's request, which is consistent with the rates and reasoning established in *McCulloch*, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

- (1) in the form of a check jointly payable to petitioner and to petitioner's attorneys at Conway, Homer & Chin-Caplan, in the amount of \$32,174.56; and**
- (2) in the form of a check payable to petitioner only, Jody Radis, pursuant to General Order No. 9, in the amount of \$25.00.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance herewith.<sup>3</sup>

**IT IS SO ORDERED.**

**s/ Thomas L. Gowen**  
Thomas L. Gowen  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.